



PATENT APPLICATION  
Docket No: 13914.579.10.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 Watterson, et al. )  
 )  
 Serial No.: 10/674,911 )  
 )  
 Filed: September 29, 2003 )  
 )  
 Confirmation No.: 8978 )  
 )  
 For: SYSTEMS AND METHODS FOR CONTROLLING THE )  
 OPERATION OF ONE OR MORE EXERCISE DEVICES )  
 AND PROVIDING MOTIVATIONAL PROGRAMMING )

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: IDS – NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of April, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (10 pgs.)
- Copies of 13 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to  
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Attorney for Applicants  
Registration No. 39,166  
Customer No. 022913

DBD/lrc  
LC0000000853V001

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Docket No: 13914.579.10.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: IDS – NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- \_\_\_\_ Statement of relevance of selected cited references not in the English language which are not translated.
- \_\_\_\_ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

\* Admitted only in California  
† Admitted only in New York

☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing 118 references submitted for consideration.

☒ Copies of the required 13 references listed on the Form PTO-1449.

☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.R./

\_\_\_\_ Petition for Consideration; and

\_\_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. \_\_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_\_ Petition to Withdraw from Issue; and

\_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 12 day of April, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
Customer No. 022913

DBD/lrc  
Enclosures  
LC0000000853V001



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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop – IDS – NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

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believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 12 day of April, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
**Customer No. 022913**

DBD/lrc  
LC0000000852V001

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				Docket Number (Optional) <b>13914.579.10.1</b>		Application Number <b>10/674,911</b>	
				Applicant(s) <b>Watterson, et al.</b>			
				Filing Date <b>September 29, 2003</b>		Group Art Unit <b>3764</b>	

OIPE 3037  
 APR 26 2004

U.S. PATENT DOCUMENTS							
*EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	348,493	7/5/94	Ashby	D21	192	
	2	3,518,985	7/7/70	Quinton	128	2.06	
	3	3,602,502	8/31/71	Hampl	272	69	
	4	4,151,988	5/1/79	Nabinger	262	69	
	5	4,544,152	10/1/85	Taitel	272	69	
	6	4,549,044	10/22/85	Durham	179	5R	
	7	4,659,074	4/21/87	Taitel, et al.	272	69	
	8	4,687,195	8/18/87	Potts	272	69	
	9	4,828,257	5/9/89	Dyer, et al.	272	129	
	10	4,842,266	6/27/89	Sweeney, Sr., et al.	272	69	
	11	4,848,737	7/18/89	Ehrenfield	272	69	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	1	WO 98/32496	7/30/98	PCT	A63B	B65G		✓

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
1	<i>The FitLinxx Interactive Fitness Network</i> TM, <u>Integrated Fitness Corp.</u> , brochure, 1998 (4 pages).
2	<u>Fitlinxx Interactive Fitness Network</u> TM, <i>The Difference Between Surviving and Thriving May be as Simple as FitLinxx</i> TM, <u>Integrated Fitness Corp.</u> , brochure, 1998 (1 page).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12	4,860,763	8/29/89	Schminke	128	707	
	13	4,927,136	5/22/90	Leask	272	69	
	14	4,959,713	9/25/90	Morotomi, et al.	358	108	
	15	4,998,725	3/12/91	Watterson, et al.	272	129	
	16	5,020,795	6/4/91	Airy, et al.	272	129	
	17	5,054,774	10/8/91	Belsito	272	130	
	18	5,062,632	11/5/91	Dalebout, et al.	272	129	
	19	5,067,710	11/26/91	Watterson, et al.	272	129	
	20	5,078,152	1/7/92	Bond, et al.	128	774	
	21	5,086,385	2/4/92	Launey, et al.	364	188	
	22	5,104,120	4/14/92	Watterson, et al.	482	5	

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

3	Forbes Digital Tool: Startups, <i>Sweat Equity</i> , <a href="http://www.forbes.com">www.forbes.com</a> , February 1998 (2 pages).
4	Netpulse, Networkingout--Coming Distractions: <i>Netpulse Helps Exercisers Surf the Net at the Gym, Accomplish Several Goals at Once</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , April 1998 (3 pages).

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	23	5,113,427	5/12/92	Ryoichi, et al.	379	57	
	24	5,145,475	9/8/92	Cares	482	52	
	25	5,149,084	9/22/92	Dalebout, et al.	482	3	
	26	5,195,935	3/23/93	Fencel	482	70	
	27	5,213,555	5/25/93	Hood, et al.	482	57	
	28	5,308,296	5/3/94	Eckstein	482	5	
	29	5,313,942	5/24/94	Platzker	128	639	
	30	5,314,391	5/24/94	Potash, et al.	482	7	
	31	5,328,420	7/12/94	Allen	482	52	
	32	5,328,422	7/12/94	Nichols	482	52	
	33	5,352,166	10/4/94	Chang	482	52	

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

5	<i>Netpulse, Instead of having an equipment repair technician traveling over hill and dale, you may soon have equipment repaired via the Internet, <a href="http://www.netpulse.com">www.netpulse.com</a>, July 1998 (3 pages).</i>
6	<i>Netpulse, Infotech is supposed to make life easier-remember? Here's how to be sure it does., <a href="http://www.netpulse.com">www.netpulse.com</a>, August 1998 (4 pages).</i>

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	34	5,382,209	1/17/95	Pasier, et al.	482	70	
	35	5,410,471	4/25/95	Alyfuku, et al.	364	413.02	
	36	5,410,472	4/25/95	Anderson	364	413.04	
	37	5,433,679	7/18/95	Szymczak, et al.	482	54	
	38	5,462,051	10/31/95	Oka, et al.	128	630	
	39	5,462,504	10/31/95	Trulaske, et al.	482	7	
	40	5,474,090	12/12/95	Begun, et al.	128	707	
	41	5,489,249	2/6/96	Brewer, et al.	482	5	
	42	5,512,025	4/30/96	Dalebout, et al.	482	6	
	43	5,527,239	6/18/96	Abbondanza	482	8	
	44	5,535,664	7/16/96	Rokowski	99	331	

**FOREIGN PATENT DOCUMENTS**

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						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

7	Netpulse, Exercise station connects to the Net, <i>Now you can sweat to the Net.</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , September 1998 (1 page)
8	Netpulse, New Fitness Equipment Combines Internet, Sweat, <i>Now you can surf and sweat</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , January 1999 (2 pages).

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	45	5,591,104	1/7/97	Andrus, et al.	482	7	
	46	5,600,310	2/4/97	Whipple, III, et al.	340	825	
	47	5,619,412	4/8/97	Hapka	364	424	
	48	5,619,991	4/15/97	Sloane	128	630	
	49	5,626,539	5/6/97	Piaget, et al.	482	54	
	50	5,645,509	7/8/97	Brewer, et al.	482	4	
	51	5,697,834	12/16/97	Heumann, et al.	451	440	
	52	5,702,323	12/30/97	Poulton	482	8	
	53	5,720,771	2/24/98	Snell	607	60	
	54	5,722,418	3/3/98	Bro	128	732	
	55	5,738,612	4/14/98	Tsuda	482	8	

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**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

9	Netpulse, Hop In, Log On and Sweat, <i>Netpulse exercise machines are the latest Web feat</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , February 1999 (2 pages).
10	Netpulse Club Watch TM, <i>Internet Powered Service</i> , brochure, April 1999 (1 page).

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# INFORMATION DISCLOSURE CITATION

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Watterson, et al.

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September 29, 2003

Group Art Unit

3764

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	56	5,743,833	4/28/98	Watterson, et al.	482	54	
	57	5,749,372	5/12/98	Allen, et al	482	8	
	58	5,752,897	5/19/98	Skowronski, et al.	482	54	
	59	5,759,199	6/2/98	Snell, et al.	607	60	
	60	5,779,596	7/14/98	Weber	482	4	
	61	5,810,696	9/22/98	Webb	482	52	
	62	5,836,770	11/17/98	Powers	434	247	
	63	5,845,230	12/1/98	Lamberson	702	56	
	64	5,857,939	1/12/99	Kaufman	482	8	
	65	5,865,733	2/2/99	Malinouskas, et al.	600	300	
	66	5,873,369	2/23/99	Lanaido, et al.	128	903	

## FOREIGN PATENT DOCUMENTS

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

11	Netpulse, <i>State of the Art</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , February 2000 (1 page).
12	Netpulse, <i>Netpulse Files for Patents on its Pioneering Technology Inventions and Groundbreaking Business Methods in the Media and Fitness Markets</i> , <a href="http://www.netpulse.com">www.netpulse.com</a> , May 2000 (2 pages).

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3764

## **U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	67	5,880,677	3/9/99	Lestician	340	825.06	
	68	5,888,172	3/30/99	Andrus, et al.	482	7	
	69	5,890,995	4/6/99	Bobick, et al.	482	4	
	70	5,905,442	5/18/99	Mosebrook, et al.	340	825.06	
	71	5,911,132	6/8/99	Sloane	705	3	
	72	5,911,687	6/15/99	Sato, et al.	600	300	
	73	5,917,405	6/29/99	Joao	340	426	
	74	5,929,748	7/27/99	Odinak	340	310.01	
	75	5,961,561	10/5/99	Wakefield, II	701	29	
	76	5,964,701	10/12/99	Asada, et al.	600	300	
	77	5,967,975	10/19/99	Ridgeway	600	300	

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							YES	NO

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	78	5,995,868	11/30/99	Dorfmeister, et al.	600	544	
	79	5,997,476	12/7/99	Brown	600	300	
	80	6,010,451	1/4/00	Clawson	600	300	
	81	6,013,007	1/11/00	Root, et al.	482	8	
	82	6,014,432	1/11/00	Modney	379	106.02	
	83	6,033,344	3/7/00	Trulaske, et al.	482	7	
	84	6,050,822	4/18/00	Faughn	434	11	
	85	6,050,924	4/18/00	Shea	482	57	
	86	6,053,737	4/25/00	Babbitt, et al.	434	30	
	87	6,053,844	4/25/00	Clem	482	8	
	88	6,059,692	5/9/00	Hickman	482	8	

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

13914.579.10.1

Application Number

10/674,911

Applicant(s)

Watterson, et al.

Filing Date

September 29, 2003

Group Art Unit

3764

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	89	6,106,297	8/22/00	Pollak, et al.	434	16	
	90	6,132,337	10/17/00	Krupka, et al.	482	8	
	91	6,152,856	11/28/00	Studor, et al.	482	8	
	92	6,193,631	2/27/01	Hickman	482	8	
	93	6,211,451 B1	4/3/01	Tohgi, et al.	84	470R	
	94	6,231,481	5/15/01	Brock	482	8	
	95	6,231,482 B1	5/15/01	Thompson	482	37	
	96	6,251,048	6/26/01	Kaufman	482	8	
	97	6,312,363	11/6/01	Watterson, et al.	482	54	
	98	6,358,187	3/19/02	Smith	482	4	
	99	6,475,115	11/5/02	Candito, et al.	482	4	

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	Docket Number (Optional) <b>13914.579.10.1</b>	Application Number <b>10/674,911</b>
	Applicant(s) <b>Watterson, et al.</b>	
	Filing Date <b>September 29, 2003</b>	Group Art Unit <b>3764</b>

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	100	6,582,342	6/24/03	Kaufman, et al.	482	8	
	101	6,634,992 B1	10/21/03	Ogawa	482	8	
	102	6,638,198 B1	10/28/03	Shea	482	8	
	103	5,929,782	7/27/99	Stark	340	870.01	
	104	5,466,200	11/14/95	Ulrich, et al.	482	4	
	105	5,931,763	8/3/99	Alessandri	482	4	

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER <div style="text-align: center;">/Glenn Richman/ (03/15/2009)</div>	DATE CONSIDERED
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